

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

MICHAEL GONIDAKIS, et al., :
Plaintiffs, :
v. : Case No. 2:22-CV-773
FRANK LaROSE et al., : Chief Judge Algenon Marbley
Defendants. : Circuit Judge Amul R. Thapar
: Judge Benjamin J. Beaton

OHIO SECRETARY OF STATE LAROSE'S NOTICE OF ISSUANCE OF
OHIO SECRETARY OF STATE DIRECTIVE 2022-31

Defendant Secretary of State Frank LaRose hereby notifies the Court and parties of the issuance of Directive 2022-31 (copy attached) which, along with the attached Official Republican Primary Sample Ballot and Official Democratic Primary Sample Ballot, was transmitted to Ohio's eighty-eight boards of election this same date.

Respectfully submitted,

OHIO ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2022, the foregoing was filed with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties for whom counsel has entered an appearance. Parties may access this filing through the Court's system.

/s/ Jonathan D. Blanton

JONATHAN D. BLANTON (0070035)
Deputy Attorney General



Frank LaRose

Ohio Secretary of State

DIRECTIVE 2022-31

March 23, 2022

To: All County Boards of Elections
Board Members, Directors, and Deputy Directors

Re: Revised Form of Ballot for the May 3, 2022 Primary Election

SUMMARY

Last Thursday, our Office issued [Directive 2022-30](#) (“*League of Women Voters of Ohio, et al. v. Ohio Redistricting Commission, et al.* Decision and Additional Instructions”). That Directive prohibited boards of elections from altering or sending ballots until further notice. This step was taken to maintain the state of preparedness that all 88 county boards of elections have worked tirelessly toward for the last three months in anticipation of administering a complete May 3, 2022 Primary Election.

In the wake of the Ohio Supreme Court’s decision last week invalidating the February 24, 2022 General Assembly district plan, it is not possible to include the primary contests for the Ohio House, Ohio Senate, and State Central Committee on the May 3, 2022 Primary Election ballot. The Plaintiffs in the federal court case *Gonidakis v. LaRose*¹ filed a motion on Monday asking the court to order the use of the February 24, 2022 district plan for the primary. But the federal court’s ultimate decision on that motion has not been made as of the issuance of this Directive or rather in time for boards of elections to finalize ballots for the May 3, 2022 Primary Election. Likewise, the General Assembly has not changed the date of the election. Therefore, offices and candidates for Ohio House, Ohio Senate, or State Central Committee will not appear on the ballot. This is the only currently lawful and reasonable option to continue to move forward toward the May 3, 2022 Primary Election at this unprecedented point in time. This Directive provides a revised form of the ballot without those offices for the May 3, 2022 Primary Election. This Directive supersedes any provisions that may conflict in [Directive 2022-26](#), [Directive 2022-28](#), and [Directive 2022-30](#).

INSTRUCTIONS

I. GENERAL ASSEMBLY DISTRICTS

The Ohio Supreme Court’s decision in *League of Women Voters of Ohio et al. v. Ohio Redistricting Commission, et al.* (“*League of Women Voters of Ohio*”) invalidated the General Assembly district plan adopted on February 24, 2022. Therefore, the House and Senate shapefiles, legal descriptions, and lists of most populous counties accompanying [Directive 2022-26](#) are invalid. The Court ordered the Ohio Redistricting Commission to adopt a new General Assembly district plan by March 28, 2022. Even if the Commission adopts a new district plan by that

¹ Case No. 2:22-CV-773 (S.D. Ohio 2022).

deadline, the shapefiles, legal descriptions, and lists of most populous counties will not be ready in time to program the new districts and re-certify petitions by the start of absentee voting on April 5, 2022.

II. STATE CENTRAL COMMITTEE DISTRICTS

Ohio's major political parties' state central committee members are elected according to State Senate districts. Due to the invalidation of the February 24, 2022 General Assembly district plan, the districts for State Central Committee are also invalid.

III. CONSEQUENCE FOR CERTIFIED CANDIDATES FOR OHIO HOUSE, OHIO SENATE, AND STATE CENTRAL COMMITTEE

Candidates' petitions for Ohio House, Ohio Senate, or State Central Committee were certified based on the February 24, 2022 General Assembly district plan. Due to the Supreme Court's decision in *League of Women Voters of Ohio*, by operation of law, a board's decision to certify or reject those candidates' petitions for the May 3, 2022 Primary Election is null and void. Board members must acknowledge this on the record at their next board meeting.

IV. REVISED FORM OF BALLOT AND BALLOT PREPARATION

Boards must reprogram their election databases and prepare ballots to be ready by April 5, 2022, without the offices of Ohio House, Ohio Senate, or State Central Committee. If boards' election management systems allows for it, boards must maintain a copy database of the ballot program file that contains the offices and candidates for Ohio House, Ohio Senate, and State Central Committee pursuant to the February 24, 2022 district map.

Please see the accompanying form of the ballot with a revised order of offices for each major political party accompanying this Directive. This revised form of ballot does not include the offices of Ohio House, Ohio Senate, or State Central Committee. This Directive supersedes the forms of the ballot that accompanied [Directive 2022-28](#). Boards are required to notify my Office via Intake@OhioSoS.gov or by calling (614) 728-8789 as soon as their ballots are reprogrammed and finalized but prior to sending any ballots. Once ballots are finalized, my Office will direct boards to issue the ballots to ensure that any impact of ongoing litigation is taken into consideration. In the event that the federal court order alters the ballot outside of this Directive, my Office will issue additional guidance immediately to comply with the court's order.

[R.C. 3505.14](#) requires boards to post printed proofs of the ballot for 24 hours for inspection and correction of any errors on the ballot. Even if a board previously posted proofs of the ballot, the board must post proofs again once the offices of Ohio House, Ohio Senate, or State Central Committee are removed from the ballot. Boards must notify the chairman of the local executive committee of each party or group represented on the ballot by candidates or issues and should proactively encourage both parties to review ballots for accuracy.

V. UNIFORMED SERVICES AND OVERSEAS CITIZENS' ABSENTEE BALLOTS

Substitute Senate Bill 11 of the 134th General Assembly requires Uniformed Services and Overseas Citizens' Absentee ("UOCAVA") ballots to be sent no later than April 5, 2022.² Boards must take prompt action to revise their ballots to meet the April 5, 2022 deadline. Boards must not transmit a UOCAVA ballot with the offices of Ohio House, Ohio Senate, or State Central Committee. Boards must follow all other directions in [Directive 2022-29](#) with respect to UOCAVA voting, with the exception of instructions for "Return of the Ballot" in Section II.B. of that Directive. The United States Postal Service has since clarified that boards should use the following procedure:

- **For uniformed services voters, eligible spouses, and dependents:**
 - For any voter with an **APO/FPO/DPO address**, prepare and provide a USPS label to the voter. If the voter requests to receive their ballot by email, a .pdf of the label must be one of the attachments to the email. The .pdf can be created and downloaded on the USPS "Click-N-Send" site. When selecting a method for mailing, utilize the quickest, earliest time for Priority Mail. Boards must include "United States of America" when inserting the board's address into the label.
 - For a **domestic mailing address**, do **one** of the following:
 - Set up and use an account with a private carrier to prepare a label containing the board's account number. This prepared label must be provided electronically or by mail, if the ballot is delivered by mail. Boards should use information available on websites or contact the delivery service directly to determine the best and fastest shipping service for the delivery of the ballot to the board of elections. Boards must include "United States of America" when inserting the board's address into the label.
 - Prepare and provide a USPS label to the voter or follow the same instructions provided below for mailing to non-military overseas voters. When utilizing the USPS, if the voter requests to receive their ballot by email, a .pdf of the label must be one of the attachments to the email. The .pdf can be created and downloaded on the USPS "Click-N-Send" site. When selecting a method for mailing, utilize the quickest, earliest time for Priority Mail Express.
 - For an **overseas mailing address (other than an APO/FPO/DPO address)**, set up and use an account with a private carrier to prepare a label containing the board's account number. This prepared label must be provided electronically or by mail, if the ballot is delivered by mail. Boards should use information available on websites or contact the delivery service directly to determine the best and fastest shipping service for the delivery of the ballot to the board of elections. Boards must include "United States of America" when inserting the board's address into the label.
- For **non-military overseas voters**, set up and use an account with a private carrier to prepare a label containing the board's account number. This prepared label must be

² See [Directive 2022-29](#) and [S.B. 11, Section 5](#).

provided electronically or by mail, if the ballot is delivered by mail. Boards should use information available on websites or contact the delivery service directly to determine the best and fastest shipping service for the delivery of the ballot to the board of elections. Boards must include “United States of America” when inserting the board’s address into the label.

VI. NOTICE ON WEBSITE AND VOTER INFORMATION LOOKUP

Boards must prominently display notice on their website and specifically in their Voter Information Lookup that states, “On March 16, 2022, the Supreme Court of Ohio invalidated the Ohio General Assembly district plan adopted on February 24, 2022. Therefore, the offices of Ohio House, Ohio Senate and State Central Committee will not appear on the May 3, 2022 Primary Election ballot. Voter district information for Ohio House, Ohio Senate, and State Central Committee will be updated as soon as that information is available.”

VII. PROTESTS AGAINST CANDIDATES FOR OHIO HOUSE, OHIO SENATE, AND STATE CENTRAL COMMITTEE

Any protest against a candidate for Ohio House, Ohio Senate, or State Central Committee is moot due to the Court’s decision invalidating the February 24, 2022 General Assembly district plan. The most populous county board of elections in the district must promptly notify the protestor and any candidate whose certification was challenged by protest.

If you have any questions regarding this Directive, please contact the Secretary of State’s Office at (614) 728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State

OFFICIAL REPUBLICAN PRIMARY BALLOT

A	County	B	Primary Election	C	May 3, 2022
Instructions to Voter					
<ul style="list-style-type: none"> To vote: completely darken the oval (<input type="radio"/>) to the left of your choice. Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed. If you mark the ballot for more choices than permitted, that contest or question will not be counted. To vote for a write-in candidate: completely darken the oval (<input type="radio"/>) to the left of the blank line and write in the candidate's name. Only votes cast for candidates who filed as write-in candidates can be counted. Do not write in a candidate's name if that person's name already is printed on the ballot for that same contest. Before casting your ballot, if you make a mistake or want to change your vote: return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times. 					
For Governor and Lieutenant Governor (To vote for Governor and Lieutenant Governor, darken the oval at the left of the joint candidates of your choice)					
<input type="radio"/> Joe Blystone and Jeremiah W. Workman <input type="radio"/> Mike DeWine and Jon Husted <input type="radio"/> Ron Hood and Candice Keller <input type="radio"/> Jim Renacci and Joe Knopp					
For U.S. Senator (Vote for not more than 1)					
<input type="radio"/> Matt Dolan <input type="radio"/> Mike Gibbons <input type="radio"/> Josh Mandel <input type="radio"/> Neil Patel <input type="radio"/> Mark Pukita <input type="radio"/> Jane Timken <input type="radio"/> JD Vance					
For Representative to Congress (_____ District) (Vote for not more than 1)					
<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name					
For Auditor of State (Vote for not more than 1)					
<input type="radio"/> Keith Faber					
For Judge of the Court of Appeals (_____ District) (Full term commencing _____) (Vote for not more than 1)					
<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name					
For Secretary of State (Vote for not more than 1)					
<input type="radio"/> John Adams <input type="radio"/> Frank LaRose					
For Judge of the Court of Common Pleas (Full term commencing _____) (Vote for not more than 1)					
<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name					
For Treasurer of State (Vote for not more than 1)					
<input type="radio"/> Robert Sprague					
For Chief Justice of the Supreme Court (Full term commencing 1-1-2023) (Vote for not more than 1)					
<input type="radio"/> Sharon L. Kennedy					
For Justice of the Supreme Court (Full term commencing 1-1-2023) (Vote for not more than 1)					
<input type="radio"/> Pat Fischer					
For Judge of the Court of Common Pleas (_____ Division) (Full term commencing _____) (Vote for not more than 1)					
<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name					
For County Commissioner (Vote for not more than 1)					
<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name					
For Justice of the Supreme Court (Full term commencing 1-2-2023) (Vote for not more than 1)					
<input type="radio"/> Pat DeWine					
Page 1 of 2					
A	001 _____ TWP A	B	0001:1	C	001

This SAMPLE ballot provides the **CORRECT TITLE** and **ORDER OF OFFICES** for ballot layout for candidates for offices for the May 3, 2022 Primary Election. The space for a write-in candidate should be provided only if applicable.

See Directive 2022-31 and Chapter 5 of the Election Official Manual.

This sample replaces the sample provided with Directive 2022-28.

OFFICIAL REPUBLICAN PRIMARY BALLOT

D	County	E	Primary Election	F	May 3, 2022
<p>For Member of County Central Committee (Vote for not more than 1)</p> <p><input type="radio"/> Print Candidate Name</p> <p><input type="radio"/> Print Candidate Name</p> <p>If applicable insert: OFFICIAL QUESTIONS AND ISSUES BALLOT from this point forward</p> <p>Insert board member signatures</p>					
Page 2 of 2					
D	001 _____ TWP A	E	0001:1	F	001

This SAMPLE ballot provides the **CORRECT TITLE** and **ORDER OF OFFICES** for ballot layout for candidates for offices for the May 3, 2022 Primary Election. The space for a write-in candidate should be provided only if applicable.

See Directive 2022-31 and Chapter 5 of the Election Official Manual.

This sample replaces the sample provided with Directive 2022-28.

OFFICIAL DEMOCRATIC PRIMARY BALLOT

A	County	B	Primary Election	C	May 3, 2022
Instructions to Voter					
<ul style="list-style-type: none"> To vote: completely darken the oval (<input type="radio"/>) to the left of your choice. Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed. If you mark the ballot for more choices than permitted, that contest or question will not be counted. To vote for a write-in candidate: completely darken the oval (<input type="radio"/>) to the left of the blank line and write in the candidate's name. Only votes cast for candidates who filed as write-in candidates can be counted. Do not write in a candidate's name if that person's name already is printed on the ballot for that same contest. Before casting your ballot, if you make a mistake or want to change your vote: return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times. 		For Governor and Lieutenant Governor (To vote for Governor and Lieutenant Governor, darken the oval at the left of the joint candidates of your choice)		For Representative to Congress (_____ District) (Vote for not more than 1)	
		<input type="radio"/> John Cranley and Teresa Fedor		<input type="radio"/> Print Candidate Name	
		<input type="radio"/> Nan Whaley and Cheryl L. Stephens		<input type="radio"/> Print Candidate Name	
		For Attorney General (Vote for not more than 1)		For Judge of the Court of Appeals (_____ District) (Full term commencing _____) (Vote for not more than 1)	
		<input type="radio"/> Jeffrey A. Crossman		<input type="radio"/> Print Candidate Name	
		For Auditor of State (Vote for not more than 1)		<input type="radio"/> Print Candidate Name	
		<input type="radio"/> Taylor Sappington		For Judge of the Court of Common Pleas (Full term commencing _____) (Vote for not more than 1)	
		For Secretary of State (Vote for not more than 1)		<input type="radio"/> Print Candidate Name	
		<input type="radio"/> Chelsea Clark		<input type="radio"/> Print Candidate Name	
		For Treasurer of State (Vote for not more than 1)		For Judge of the Court of Common Pleas (_____ Division) (Full term commencing _____) (Vote for not more than 1)	
		<input type="radio"/> Scott Schertzer		<input type="radio"/> Print Candidate Name	
		For Chief Justice of the Supreme Court (Full term commencing 1-1-2023) (Vote for not more than 1)		<input type="radio"/> Print Candidate Name	
		<input type="radio"/> Jennifer Brunner		For County Commissioner (Vote for not more than 1)	
		For Justice of the Supreme Court (Full term commencing 1-1-2023) (Vote for not more than 1)		<input type="radio"/> Print Candidate Name	
		<input type="radio"/> Terri Jamison		<input type="radio"/> Print Candidate Name	
		For Justice of the Supreme Court (Full term commencing 1-2-2023) (Vote for not more than 1)		For County Auditor (Vote for not more than 1)	
		<input type="radio"/> Marilyn Zayas		<input type="radio"/> Print Candidate Name	
		For U.S. Senator (Vote for not more than 1)		<input type="radio"/> Print Candidate Name	
		<input type="radio"/> Morgan Harper		If applicable insert: OFFICIAL QUESTIONS AND ISSUES BALLOT from this point forward	
		<input type="radio"/> Traci TJ Johnson			
		<input type="radio"/> Tim Ryan			
			Page 1 of 1		Insert board member signatures
A	001 _____ TWP A	B	0001:1	C	001

This SAMPLE ballot provides the **CORRECT TITLE** and **ORDER OF OFFICES** for ballot layout for candidates for offices for the May 3, 2022 Primary Election. The space for a write-in candidate should be provided only if applicable.

See Directive 2022-31 and Chapter 5 of the Election Official Manual.

This sample replaces the sample provided with Directive 2022-28.